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SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. JALLOW (Gambia)
(Vice-Chairman)

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* These items are being considered together.

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 91: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/47/18, 425, 426, 432, 480, 481)

AGENDA ITEM 92: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/47/391, 412, 433)

1. Mr. ENDREFFY (Hungary) said that the recent violence in the territories of the former Yugoslavia provided a vivid illustration of the damage caused by discrimination based on race, colour, descent and national or ethnic origin. The human rights violations had been so extensive that they had prompted the convening of the first emergency session of the Commission on Human Rights and the appointment of a Special Rapporteur. The perpetrators of "ethnic cleansing" should be brought to justice. His delegation welcomed Security Council resolution 780 (1992), which called for the establishment of a Commission of Experts to investigate grave breaches of international humanitarian law in the territory of the former Yugoslavia.

2. His delegation had noted encouraging signs of a more determined United Nations response to ethnic discrimination and increased attention to the protection of minorities. It welcomed the growing recognition that violations of human rights, including the rights of national minorities, were a legitimate concern of the international community. His delegation attached great importance to the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, which would come before the General Assembly at its current session. Its adoption would be a milestone in the international protection of minority rights. The International Convention on the Elimination of All Forms of Racial Discrimination was an important tool for the international community, yet its monitoring body, the Committee on the Elimination of Racial Discrimination, had been hampered by financial constraints resulting from non-payment of assessed contributions. His delegation had supported the decision to amend the Convention so that that Committee could be funded from the regular budget. It commended the Committee on its increased interaction with other elements of the United Nations human rights machinery and its practice of reviewing implementation in States that had not met their reporting obligations.

3. Turning to the situation in South Africa, he noted that, although positive developments towards dismantling apartheid had occurred, the recurrent violence had made the resumption of negotiations impossible. It was imperative to restore confidence in that process by investigating all incidents of violence and by bringing those responsible to justice. There was no alternative to a peaceful, negotiated transition to a democratic, united and non-racial South Africa.

(Mr. Endreffy, Hungary)

4. The activities of the Second Decade to Combat Racism and Racial Discrimination had proven both necessary and useful. Much remained to be done to meet its goals, however, and his delegation supported the proposal for a third decade. Its programme should take into account the positive developments in South Africa and the need to promote and protect minority rights. Increased emphasis on recourse procedures for victims of racial discrimination would also be welcome.

5. With regard to the right of peoples to self-determination, forging a common understanding would require not an academic debate with legalistic arguments, but a practical search for common ground. The right to self-determination presupposed the enjoyment of all human rights; where they were violated on a massive scale, there could be no self-determination. The right to periodic, free and fair elections and to meaningful participation in public affairs was not an end in itself, however. If the legal, institutional and political underpinnings of democracy were missing, the electoral process could give rise to controversy. His delegation welcomed the establishment of the electoral assistance mechanism as an example of timely reaction to changing requirements.

6. Full respect for the human rights of the individual should not preclude legislative and institutional arrangements for the full enjoyment of minority rights. The elaboration of guiding principles on minority rights within the European community and the Conference on Security and Cooperation in Europe and the work of the Conference on Yugoslavia in elaborating provisions for democratic state structures provided valuable food for thought on the issue of self-determination.

7. Mr. LAZARO (Peru) said that the international community was facing new challenges in its fight against racism, racial discrimination and apartheid, while acknowledging that earlier goals had not been fully met. A coherent strategy in that area should be outlined at the current session; it would represent a substantive contribution to the work of the Organization. His delegation believed that full implementation and proper coordination of activities undertaken by United Nations specialized agencies for the Second Decade to Combat Racism and Racial Discrimination would help to eradicate renewed manifestations of racism and a rising wave of xenophobia. The international and regional seminars held as part of the activities of the Second Decade had been particularly useful. His delegation hoped that the model legislation and the handbook of recourse procedures for victims of racism and racial discrimination could be ready before the end of the Decade in 1993.

8. Peru supported the work of the Committee on the Elimination of Racial Discrimination, and had made the Declaration provided for under article 14 of the Convention. It also supported the proposal that its activities should be financed from the regular budget.

(Mr. Lazaro, Peru)

9. The programme for the proposed third decade should include the objectives for the original Decade, as well as further analysis incorporating the new factors which influenced the struggle against racism in South Africa and gave rise to new forms of racism and xenophobia. Thus, clear and specific goals could be defined within an overall concept incorporating all possible nuances, enabling the international community to anticipate any potential escalations of racial violence. The proposal that the objectives of the first Decade should be adopted for the third decade would provide a solid basis into which the new elements could be introduced and did not imply discouragement with current efforts. Participation by regional organizations had not been explored sufficiently. Given the current stage in international relations, such organizations could examine the issues specific to their regions in order to reinforce United Nations efforts.

10. Any activity promoting the enjoyment of the right to self-determination of peoples should be supported. The report of the Special Rapporteur on the question of the use of mercenaries (A/47/412) was a useful tool in the continued monitoring of mercenary activities impeding that right.

11. Mr. NASIER (Indonesia) said that, although the global political scene had improved dramatically in recent years, the international community remained confronted by unresolved issues based on racism, and racial discrimination was on the rise. The problem afflicted developed and developing countries alike, and had led to violence and bloodshed. Racism had no place in a new world order.

12. The basic objectives of the Second Decade, now coming to an end, remained relevant and had taken on added urgency in the light of increased racial violence. His delegation welcomed the report of the Secretary-General (A/47/432) and noted from paragraph 14 that all the activities of the first half of the Decade had been completed or would be completed by 1993. It was discouraging that chronic lack of resources had caused several activities to be cancelled. If the decades were to have substantive results, then means of implementing the programmes of action must be found.

13. With reference to a draft programme of action for a third decade, his delegation welcomed the continuity of objectives with the previous Decades. Financial realities and budget constraints also were being taken into consideration; therefore, future programmes of action should not be hindered by lack of funding. While it was important to pursue aspects of the first two Decades that had not been implemented, serious attention should be given to the new elements of the third decade, such as action to rectify the consequences of apartheid. The 1993 World Conference on Human Rights would offer additional opportunities to address the issue and could provide added impetus to a third decade.

14. The international community was shocked that, as the twenty-first century approached, such concepts as "ethnic cleansing" were still being put into

(Mr. Nasier, Indonesia)

practice. Such acts must not go unchallenged. Indonesia was appalled at the loss of life and massive human rights violations inflicted because of racial, ethnic and religious discrimination, particularly the atrocities committed against the Muslim community in Bosnia and Herzegovina. It shared the outrage expressed by the international community and the hope for a speedy resolution of that conflict.

15. Although the pillars of apartheid had begun to fall, the practice of racism persisted in South African. The violence that had disrupted the negotiations must end and dialogue must resume. The international community should maintain the high priority given to abolishing apartheid and to efforts to establish an elected constituent assembly to draw up a non-racial, democratic constitution. The socio-economic inequities inflicted by apartheid must also be overcome so that South Africa could move forward towards democratic and non-racial rule. Indonesia welcomed United Nations efforts to monitor a peaceful transition.

16. Foreign occupation and oppression also denied people their fundamental rights. Four decades after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Palestinian people had yet to experience their freedom and independence. His Government welcomed the ongoing negotiations in the Middle East aiming at a just and comprehensive settlement, and was pleased that the representatives of the Palestinian people were participating in the process.

17. Mr. JIN Yongjian (China) said that the past two decades had witnessed progress world wide in the struggle against racism and racial discrimination, including the dismantling of apartheid. While the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination had inspired many efforts, certain of its principal objectives had yet to be attained. Racism still existed in various forms and was even on the rise in some regions, threatening their stability and development. The United Nations therefore had to intensify its struggle against that scourge. His delegation accordingly supported the recommendation that the General Assembly should proclaim a third decade in 1993.

18. Over the past year, the international community had been deeply shocked by setbacks in democratization in South Africa, including the breakdown of constitutional negotiations and frequent outbreaks of violence. The effort to eliminate apartheid, end white minority rule and achieve genuine racial equality was fraught with difficulties. Despite legal reforms, the presence of apartheid was still felt in political, economic and social spheres. It was incumbent on the South African Government to take measures for the eradication of racial discrimination and full equality for all, without which democratization could not proceed. His delegation welcomed the recent agreement between that Government and the African National Congress to hold democratic elections for a constitutional assembly and to resume constitutional negotiations, both of which reflected the aspirations of the people of South Africa.

(Mr. Jin Yongjian, China)

19. His delegation applauded the fact that an increasing number of countries had acceded to or ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. His Government had not only acceded to the two conventions but had also complied fully with its obligations under those instruments, and it hoped that the other States parties would do the same. It called upon those countries which had not yet done so to become signatories to the conventions as soon as possible. It endorsed the recommendation by the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination that the General Assembly should approve the amendment to the Convention, enabling the Committee on the Elimination of Racial Discrimination to receive funding from the United Nations regular budget.

20. At its inception, China had done away with all forms of oppression and discrimination. The Government continued to protect the many nationalities within the country by ensuring their equality in social and political affairs; prohibiting discrimination; promoting freedom of religious and cultural beliefs; and encouraging the development of national cultures and national autonomy.

21. The right of peoples to self-determination had long served as a basic principle for settling disputes between States or groups of States. It had, moreover, inspired a large number of nations to free themselves from the shackles of colonialism and join the international community as sovereign States. The resultant collapse of the entire colonial system represented a major advance in human history.

22. As a result of the combined efforts of the Arab countries, the Palestine Liberation Organization, Israel and the international community, the conflict in the Middle East had reached a turning point. His delegation hoped that all the parties concerned would seize the opportunity and, in a spirit of pragmatism and on the basis of the relevant Security Council resolutions, would seek a comprehensive and just settlement, including restoration of the national rights of the Palestinian people.

23. The dramatic changes world wide in recent years had brought to light some previously concealed ethnic disputes, which were threatening regional and international peace and stability. In that context, it was important to bear in mind the true meaning of the principle of the right of peoples to self-determination. Thus, his country stressed the need to safeguard state sovereignty and territorial integrity; to oppose interference in the internal affairs of States; and to oppose the creation of ethnic contradictions or the splitting apart of sovereign States in the name of self-determination.

24. Mr. BURCUOGLU (Turkey) said that he agreed with the observation of the Secretary-General, in his report entitled "An Agenda for Peace" (A/47/277-S/24111), that as racism became recognized for the destructive force

(Mr. Burcuoglu, Turkey)

it was and as apartheid was being dismantled, new racial tensions were rising and finding expression in violence. He also wished to endorse the assertion by the Under-Secretary-General for Human Rights that racism and racial discrimination represented one of the most virulent and insidious scourges of mankind.

25. His Government fully endorsed the process of democratization in South Africa. It called upon the international community to continue assisting the South African people in their efforts to establish a society free from violence and based on equality and respect for human rights. It welcomed the dispatch to South Africa of a United Nations observer mission, which would cooperate with the structures set up under the National Peace Accord, and the release of political prisoners, which should facilitate the resumption of negotiations.

26. His delegation endorsed Economic and Social Council resolution 1992/13, in which the Council had expressed its deep concern about the prevalence of racism and racial tensions as well as the rising tide of xenophobia, and had recommended that in 1993, the General Assembly should proclaim a third decade to combat racism and racial discrimination. It had also taken note with interest of the proposed elements of a draft programme of action for the third decade, as set forth in the Secretary-General's report on implementation of the Programme of Action for the Second Decade (A/47/432).

27. Among those elements his Government had noted with particular satisfaction proposals for action to end racial discrimination against migrant workers. His country was deeply concerned about the rise and banalization of xenophobia and new forms of racism, all of which threatened the very existence of the migrant worker communities in Europe, which included two million Turkish nationals. Migrant workers and their families were entitled to protection against violence and intimidation. He called upon host countries to ensure the protection of migrant workers and respect for their human rights, to prevent or suppress any violence or racist crimes, and to promote tolerance and understanding. Non-governmental organizations also had a moral obligation to speak out against xenophobia and to devote considerable efforts to eliminating it.

28. His delegation welcomed the adoption by the Subcommission on Prevention of Discrimination and Protection of Minorities of resolution 1992/5, in which it recommended the appointment of a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia. That resolution represented a new stage in the efforts to eradicate those phenomena and would, he hoped, be adopted unanimously by the Commission on Human Rights and the Economic and Social Council.

29. His country welcomed the 13 new States Members of the United Nations, with some of which it had strong linguistic and cultural ties. Those States would no doubt enrich the international community by their contribution.

(Mr. Burcuoglu, Turkey)

Their admission to the United Nations was another step in realizing the right of peoples to self-determination.

30. One of those States, the Republic of Bosnia and Herzegovina, was a victim of aggression and the odious practice of "ethnic cleansing". Those actions, the authors of which should be identified and held responsible, violated its territorial integrity and sovereignty and were causing great suffering, including loss of human life, displacement of peoples, illness and famine. The onset of winter could only make the situation worse. His delegation was profoundly shocked at the inadequate response of the international community. The credibility of the United Nations itself was in doubt. It was essential for the international community to assist the Republic of Bosnia and Herzegovina in recovering its independence, sovereignty and territorial integrity and his country was prepared to participate in any such efforts.

31. As a neighbouring country, Turkey followed events in the Caucasus closely. It was deeply concerned by the conflict between Armenia and Azerbaijan, which affected the peace and security of the entire region. Opportunism and irresponsible attitudes had no place in the Caucasus: Armenia must withdraw from Nagorny Karabakh and Azerbaijani territory. His country would continue to work for peace in the region and urged the parties concerned to seek a negotiated political settlement, based on the principle of the inviolability of national borders, respect for human rights and the principles of the Charter of the United Nations and also on the basis of the relevant obligations deriving from the Conference on Security and Cooperation in Europe.

32. His delegation reaffirmed its support for the Mid-East peace negotiations begun in October 1991. It encouraged all the parties to seek a comprehensive and lasting settlement, based on Security Council resolutions 242 (1967) and 338 (1973).

33. His country had been deeply troubled by the recent outbreak of conflict in Afghanistan. As a friend of the Afghan people, it appealed to all concerned to put an end to that fratricidal conflict and to work towards peace, reconstruction and the return of refugees.

34. With reference to the report of the Special Rapporteur on the question of the use of mercenaries (A/47/412), his country was among those which had responded to the Special Rapporteur's communication of 13 April 1992 and its reply appeared in paragraph 33 of the report.

35. Mrs. FRITSCHE (Liechtenstein) said that the inherent right of communities having territorial and social unity to self-determination must be recognized. That involved the free choice by each community of its political, social, economic and cultural destiny in accordance with the interests of its members. Since the circumstances of each community and each State differed greatly, a solution should be based on recognition of various levels of autonomy for communities. Out of respect for the territorial integrity of

(Mrs. Fritsche, Liechtenstein)

States, however, such autonomy should depend on the consent of the State in question and progress towards greater autonomy would be optional.

36. The first level of autonomy, which should be recognized for all communities, should cover basic requirements such as non-discrimination and freedom to maintain their distinctive identity. Community members should play a role in public administration and the community should be involved in the taking of governmental decisions affecting its interests. The detailed arrangements for greater autonomy would have to be worked out at each level between the State and the community.

37. Further stages of autonomy would be optional. The next level would involve administration of funds allocated for the community's benefit and participation in the maintenance of order and the administration of justice. At a higher level of autonomy, a community would have the right to establish a local representative legislature and carry out certain state functions within its own specific area. The ultimate stage of autonomy was independence, which would be reached only after a referendum had been held. The State and the community involved would have to negotiate the terms for an orderly transition to independence.

38. There was a need for certain safeguards to protect the interests of States. Transition by a community from one level to the next should depend on the community's success in conducting its affairs at the preceding level. The elements constituting a particular level should not, however, be rigidly defined and the rights enjoyed by a community should be exercised in accordance with the laws of the State. There would also be a need for safeguards in order to deal with national emergencies.

39. A body could be established to consider general issues of policy and finance and an individual could be entrusted with the practical arrangements for establishing the various levels of autonomy. Arrangements would also be needed to ensure the peaceful settlement of any disputes. Something along those lines would promote the fundamental principle of self-determination and help prevent conflicts caused by tensions between communities within States. Her Government intended to convene an informal meeting of experts to discuss those matters in 1993. The traditional concept of self-determination should be viewed in the light of new developments and her delegation hoped to make a contribution in that regard.

40. Mrs. DROZD (Belarus) said that her delegation supported the proposal in Economic and Social Council resolution 1992/13 on the implementation of the Programme of Action for the Second Decade and regarded highly the proposed elements of a draft programme of action for a third decade. The de jure and de facto elimination of apartheid in South Africa must be one of the main tasks of the Programme. A responsible attitude on the part of all participants in the negotiations was essential and the Organization could provide intermediary Consultative services by sending goodwill missions for

(Mrs. Drozd, Belarus)

that purpose to South Africa. The boycott and the restrictions on trade with that country must be considered in the light of the Government's programmes to eliminate apartheid and specific progress made in their implementation.

41. Her delegation viewed States' ratification of or accession to existing international instruments to combat racial discrimination in the broader context of establishing a world-wide legal framework incorporating the basic international instruments, including those relating to human rights. Universal accession to those instruments would enhance the effectiveness of United Nations activities in general.

42. Establishing effective feed-back on how States fulfilled their international obligations could become an essential aspect of the Programme. The development of cooperation between the United Nations and regional, international and non-governmental organizations was important in that respect.

43. Certain United Nations organizations, particularly UNESCO, could play an important role in setting up a global education and information programme to promote the Programme of Action. Her delegation supported the proposals in the Secretary-General's report (A/47/432) on the holding of regional workshops and seminars, particularly, on the role of the mass media in combating racist ideas. The proposed basic research and studies in that field were also acceptable. Lastly, she stressed the need for international cooperation in solving economic, social, cultural and humanitarian problems and promoting respect for human rights and basic freedoms for all without discrimination as to race, sex, language or religion.

The meeting rose at 11.35 a.m.